



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

MEMORANDUM

November 27, 2007

TO: Parties to Androscoggin River Appeals

FROM: Dana Murch & Brian Kavanah

RE: **DRAFT APPEAL ORDERS**

Attached please find the draft orders prepared by the Department on the pending appeals of the water quality certification issued for FPL Energy's Gulf Island-Deer Rips Hydro Project and the waste discharge permits issued for Verso Paper's Jay pulp and paper mill and Rumford Paper's Rumford pulp and paper mill.

These orders reflect the comments made by the Board of Environmental Protection (Board) during its deliberative sessions on August 2, August 16 and September 6, as well as the Department's review of the record.

If approved by the Board, these orders will:

1. Require that FPLE, Verso and Rumford undertake upgrades to the existing oxygen injection system to improve dissolved oxygen levels in Gulf Island Pond in the summer of 2009.
2. Require that FPLE, Verso and Rumford install an additional oxygen injection system, or take other equivalent measures, to further improve dissolved oxygen levels in Gulf Island Pond.
3. Impose more stringent interim effluent limits for total phosphorus and ortho-phosphorus and more stringent final effluent limits for biochemical oxygen demand (BOD), along with reduced additional oxygen injection requirements, on the Verso mill. Specifically:
 - Interim monthly average limits for total phosphorus will be reduced from 193 to 150 pounds per day, effective immediately;
 - Interim monthly average limits for ortho-phosphorus will be reduced from 44 to 33 pounds per day, effectively immediately;

- Final summertime monthly average limits for BOD will be reduced from 7,400 to 4,500 pounds per day, effective immediately;
 - Final summertime weekly average limits for BOD will be reduced from 11,100 to 6,400 pounds per day, effective immediately;
 - Final summertime daily maximum limits for BOD will be reduced from 13,875 to 8,000 pounds per day, effective immediately;
 - Final non-summer monthly average limits for BOD will be reduced from 17,700 to 7,400 pounds per day, effective immediately;
 - Final non-summer daily maximum limits for BOD will be reduced from 34,050 to 13,875 pounds per day, effective immediately; and
 - Verso's requirement for additional oxygen injection will be reduced by 10,000 pounds per day.
4. Reduce the Verso mill's schedules for compliance with final effluent limits for total suspended solids (TSS) and phosphorus. Specifically:
 - The compliance schedules for final summertime and annual average limits for TSS will be reduced from 2015 to 2010; and
 - The compliance schedules for final limits for total phosphorus and ortho-phosphorus will be reduced from 2015 to 2010.
 5. Impose more stringent final effluent limits for BOD, TSS, and total phosphorus on the Verso mill in the event that wastewater from Wausau-Mosinee's Otis mill is no longer treated at the Verso mill's wastewater treatment facility.
 6. Establish compliance with all final effluent limits and additional oxygen injection requirements within the term of the current Verso and Rumford permits (that is, by 2010).
 7. Require that two revisions be made to the DEP's current water quality model for Gulf Island Pond. These revisions include the re-calibration of the model following the correction of an error relating to dispersive mixing, and the recalculation of the area of sediment in contact with Gulf Island Pond. The conditions allow the DEP to re-open the orders and modify the effluent limits and additional oxygen injection requirements as appropriate, based on the results of the model revisions.
 8. Allow Verso or Rumford, independently or in cooperation with other parties, to fund the development of a new hydro-dynamic model to determine mixing and transport within Gulf Island Pond. The conditions allow the DEP to re-open the orders and modify the effluent limits and additional oxygen injection requirements as appropriate, based on the results of any new model.

9. Require monitoring to determine compliance with water quality standards in Gulf Island Pond.

In accordance with the Board's Third Procedural Order (dated December 6, 2006) on the pending appeals, these draft orders are being made available for 15 working days for review and comment by the parties to the proceeding.

The parties to the proceeding are: (1) FPL Energy Maine Hydro LLC; (2) Verso Paper (formerly International Paper); (3) Rumford Paper Company; (4) Natural Resources Council of Maine; and (5) Conservation Law Foundation, Maine Rivers, Androscoggin River Alliance, and Androscoggin Lake Improvement Association.

Any comments from the parties on the draft order must be received by the Department by 4:00 p.m. on Tuesday, December 18, 2007. Comments may be filed by telefax or electronic mail, provided that such filings are followed by receipt of an original within five working days. Comments must also be copied to all persons on the Service List.

The parties are reminded that the record in this proceeding is closed, and that no new evidence may be offered at this time. The parties are also reminded that this is not an opportunity to further argue their case.

Comments should identify any errors, omissions or misrepresentations in the draft appeal orders and respond to the findings of fact, conclusions and actions contained in the draft orders. The parties are asked to be concise and specific in their comments (please do not submit add-and-strike edits of the draft orders), and to reference documents in the record where appropriate (please do not attach documents to your comments).

This memo and the attached draft orders are being copied to the Board at this time. All comments received on the draft orders will be forwarded to the Board in advance of its final decision, which is tentatively scheduled for January 17, 2008.

Any questions should be directed to Dana Murch at 207-287-7784 or Brian Kavanah at 207-287-7700.

Cc: Members, Board of Environmental Protection
Interested Persons